



W.P.(MD)No.15929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.15929 of 2025

and

W.M.P.(MD)No.12055 of 2025

V.Balasubramanian

... Petitioner

Vs.

**The Commissioner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.**

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent vide his proceedings in Na.Ka.No.1351/2023/F1, dated 20.05.2025 and to quash the same as illegal.

For Petitioner : Mr.D.Senthil



WEB COPY



W.P.(MD)No.15929 of 2025

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The intimation letter given by the Municipality in proceedings dated 20.05.2025 is under challenge in the present Writ proceedings.

2.A plain reading of the intimation letter reveals that the petitioner is attempting to construct a building in the public property. Thus, the Municipality informed the petitioner that it is not a patta land and it is a public property and therefore, the petitioner should not put up any construction. In the event of any such construction, it will be treated as encroachment and will be removed.

3.Such an intimation letter would not provide a cause for instituting the Writ proceedings. If at all the petitioner claims that he is the owner of the land, he has to establish the same before the competent civil Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner's vendor has already approached the civil Court in O.S.No.44 of 2018 and a decree was passed in his favour.



W.P.(MD)No.15929 of 2025

WEB COPY

5.A perusal of the said decree reveals that the Government or Municipality is not a party and therefore, the decree cannot operate against the Government authorities and the municipal authorities. It appears to be a collusive decree, which cannot be relied on for the purpose of establishing title against the Governmental Authorities.

6.Therefore, the respondent is at liberty to conduct a survey with reference to the revenue records and if it is found that the subject property is a public property, then all appropriate actions are to be initiated to protect the public property for the benefit of the public at large.

7.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
12.06.2025

NCC : Yes / No
Index : Yes / No

Yuva

3/4



WEB COPY



W.P.(MD)No.15929 of 2025

S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

To
The Commissioner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.

W.P.(MD)No.15929 of 2025

12.06.2025